

II. Remarks

The Applicants thank Primary Examiner Philogene for the case interviews conducted during the week of January 31, 2005.

Claims 1-22 are rejected and pending. By this Paper, claims 1, 21, and 22 have been amended consistent with the discussions during the case interviews with the Examiner. A listing of the pending claims has been provided above. With the amendments and remarks provided herein, Applicants respectfully request reconsideration and a withdrawal of all rejections.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2, and 4-6 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,096,053 to Bates (*Bates*). As mentioned above, independent claim 1 has been amended as agreed by the Examiner. More specifically, claim 1 has been amended to recite "an elongate control member continuously extending to an atraumatic distal tip section" and "a grasping portion attached to the elongate control member and located proximal said distal tip section." As discussed and agreed during the case interviews, *Bates* does not teach such limitations. Thus, Applicants respectfully request reconsideration and a withdrawal of the rejection to claim 1.

Moreover, claims 2 and 4-6 generally depend from amended claim 1. Thus, Applicants respectfully request reconsideration and a withdrawal of the rejections to claims 2 and 4-6.

Claim Rejections – 35 U.S.C. § 103

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Bates* in view of U.S. Patent No. 5,330,484 to Gunther et al. (*Gunther*). Claim 3 generally depends from amended claim 1. Moreover, the combination of the cited references does not teach or suggest all the elements of claim 3. Additionally, the combination provides no motivation to incorporate all the limitations of claim 3.

Thus, Applicants respectfully request reconsideration and a withdrawal of the rejection to claim 3.

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Bates* in view of U.S. Patent No. 6,264,664 to *Avellanet* (*Avellanet*). Claim 7 generally depends from amended claim 1. Moreover, the combination of the cited references does not teach or suggest all the elements of claim 7. Additionally, the combination provides no motivation to incorporate all the limitations of claim 7. Thus, Applicants respectfully request reconsideration and a withdrawal of the rejection to claim 7.

Claims 8-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Bates* in view of U.S. Patent No. 05,098,440 to *Hillstead* (*Hillstead*). Claims 8-20 generally depend from amended claim 1. Moreover, the combination of the cited references does not teach or suggest all the elements of claims 8-20. Additionally, the combination provides no motivation to incorporate all the limitations of claims 8-20. Thus, Applicants respectfully request reconsideration and a withdrawal of the rejections to claims 8-20.

As for independent claim 21, claim 21 has been amended in accordance with the discussions during the case interview. More specifically, claim 21 has been amended to recite that the elongated member is “continuously extending” to a distal tip section and that the grasping portion is “attached to the elongate control member and located proximal” the distal tip section. The combination does not teach or suggest the limitations recited in claim 21. Additionally, the combination provides no motivation to incorporate such limitations.

As for independent claim 22, claim 22 has been amended to recite that the elongate control member has “an atraumatic distal tip section.” The cited references, alone or in combination, does not teach or suggest all the elements of claim 22. Thus, Applicants respectfully request reconsideration and a withdrawal of the rejections to claims 21 and 22.

Conclusion

Therefore, Applicants respectfully assert that claims 1-22 are now in a condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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Date



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